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11 COMERICA BANK

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

ROBERT PRITIKIN, et al.,

CASE NO. CV 09-03303 JF

Plaintiffs,

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT COMERICA
BANK'S MOTION TO DISMISS THE
COMPLAINT**

COMERICA BANK, et al.,

Date: October 23, 2009
Time: 9:00 a.m.
Dept.: Honorable Jeremy Fogel

Defendants.

Complaint filed:
Trial Date Set:

Defendant Comerica Bank respectfully requests that the Court take judicial notice pursuant to Federal Rule of Evidence 201 of each of the following documents.

1. Judgment entered against Four Star Financial Services, LLC, filed April 3, 2000 in *Sentinel Trust Company v. 900 Capital Services, Inc.; et al*, United States Bankruptcy Court, District of Nevada Case No. BK-S-97-22098-RCJ, a true and correct copy of which is attached hereto as Exhibit 1.

2. Consent Order for Money Judgment Against Four Star Financial Services, LLC, filed October 1, 2001 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, District of Maryland Case No. CCB-000-CV-3626, a true and correct copy of which is attached hereto as Exhibit 2.

1 3. Certification of Judgment For Registration In Another District, filed January 11,
 2 2002 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States
 3 District Court, District of Maryland Case No. CCB-000-CV-3626, a true and correct copy of
 4 which is attached hereto as Exhibit 3.

5 4. Complaint filed October 18, 2002 in *2424 Limited, et al. v. Four Star, Cohn, Anson, et al.*, United States District Court, District of Nevada Case No. CV-S-02-1385-LDG-PAL, a true and correct copy of which is attached hereto as Exhibit 4.

6 5. First Amended Complaint filed October 23, 2003 in *Gevirtz v. Four Star Financial, et al.*, United States District Court, Central District of California Case No. CV 03-5548 RSWL, a true and correct copy of which is attached hereto as Exhibit 5.

7 6. Reservoir Capital Corporation's Notice of Motion and Memorandum of Points and Authorities to Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, Northern District of California Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 6.

8 7. Reservoir Capital Corporation's Request to Take Judicial Notice in Support of Motion for Order to Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation v. Four Star Financial Services, LLC*, United States District Court, Northern District of California Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 7.

9 8. Complaint filed October 10, 2003 in *Plonsker, et al. v. Four Star Financial, et al.*, Los Angeles Superior Court Case No. SC 079281, a true and correct copy of which is attached hereto as Exhibit 8.

10 9. Complaint filed October 14, 2004 in *Ferrara, et al. v. Georgina Asset Management, Inc., et al.*, Los Angeles Superior Court Case No. BC 304180, a true and correct copy of which is attached hereto as Exhibit 9.

11 10. Involuntary Petition filed October 24, 2003 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court, Central District of California Case No. LA 03-37579, a

1 19. First Amended Complaint filed September 1, 2004 in *Marshack v. Anson, Garrett*,
2 United States Bankruptcy Court, Central District of California Adv. Proc. No. 04-02002, a true
3 and correct copy of which is attached hereto as Exhibit 19.

4 20. Declaration of Michael J. Plonsker in Opposition to Motion of Trustee for
5 Approval of Compromise of Controversy; Objections to Declaration of Richard Marshack, filed
6 December 19, 2005 in *In re Four Star Financial Services, LLC*, United States Bankruptcy Court,
7 Central District of California Case No. LA 03-37579, a true and correct copy of which is attached
8 hereto as Exhibit 20.

9 21. Second Amended Complaint filed May 10, 2004 in *Ferrara, et al. v. Georgina*
10 *Asset Management, LLC, et al.*, Los Angeles Superior Court Case No. BC 304180, a true and
11 correct copy of which is attached hereto as Exhibit 21.

12 22. “FourStarFruad.com” archived web page from March 2004, a true and correct
13 copy of which is attached hereto as Exhibit 22. Federal courts may take judicial notice of
14 websites, and information contained in websites. *In re Amgen Inc. Securities Litigation* (C.D.Cal.
15 2008) 544 F.Supp.2d 1009 at 1023-1024; *County of Santa Clara v. Astra USA, Inc.* (N.D.Cal.
16 2005) 401 F.Supp.2d 1022 at 1024; *Wible v. Aetna Life Ins. Co.* (C.D. Cal. 2005) 375 F.Supp.2d
17 956 at 965.

18 23. Schedules filed December 2003 in *In re Four Star Financial Services, LLC*,
19 United States Bankruptcy Court, Central District of California Case No. LA 03-37579, a true and
20 correct copy of which is attached hereto as Exhibit 23.

21 24. Declaration of Duane M. Geck in Support of Motion and Motion for Order to
22 Amend Judgment to Include Alter Egos, filed August 11, 2003 in *Reservoir Capital Corporation*
23 v. *Four Star Financial Services, LLC*, United States District Court, Northern District of California
24 Case No. CCB-000-CV-3616, a true and correct copy of which is attached hereto as Exhibit 24.

25 25. Complaint filed November 23, 2005 in *Marshack v. Roberts*, United States
26 Bankruptcy Court, Central District of California, a true and correct copy of which is attached
27 hereto as Exhibit 25.

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1 DATED: August 28, 2009

BUCHALTER NEMER
A Professional Corporation

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4 By: /s/ Richard C. Darwin
5 Richard C. Darwin
6 Attorneys for Defendant
7 COMERICA BANK
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